

A. AFFECT OF RESOURCES ON ELIGIBILITY**WAC 388-470-0005 How do resources affect my eligibility for cash assistance, medical assistance, and basic food?**

- (1) The following definitions apply to this chapter:
- (a) **"We"** means the department of social and health services.
 - (b) **"You"** means a person applying for or getting benefits from the department.
 - (c) **"Fair market value (FMV)"** means the price at which you could reasonably sell the resource.
 - (d) **"Equity value"** means the FMV minus any amount you owe on the resource.
 - (e) **"Community property"** means a resource in the name of the husband, wife, or both.
 - (f) **"Separate property"** means a resource of a married person that one of the spouses:
 - (i) Had possession of and paid for before they were married;
 - (ii) Acquired and paid for entirely out of income from separate property; or
 - (iii) Received as a gift or inheritance.
- (2) We count a resource to decide if your assistance unit (AU) is eligible for cash assistance, family medical programs, or basic food when:
- (a) It is a resource we must count under [WAC 388-470-0045](#) and [388-470-0055](#);
 - (b) You own the resource. We consider you to own a resource if:
 - (i) Your name is on the title to the property; or
 - (ii) You have property that doesn't have a title; and
 - (c) You have control over the resource, which means the resource is actually available to you; and

- (d) You could legally sell the resource or convert it into cash within twenty days.
- (3) For cash assistance and family medical programs, you must try to make your resources available even if it will take you more than twenty days to do so, unless:
 - (a) There is a legal barrier; or
 - (b) You must petition the court to release part or all of a resource.
- (4) When you apply for assistance, we count your resources as of:
 - (a) The date of your interview, if you are required to have an interview; or
 - (b) The date of your application, if you are not required to have an interview; or
 - (c) The first day of the month of application, for medical assistance.
- (5) If your total countable resources are over the resource limit in subsection (6) through (13) of this section, you are not eligible for benefits.
- (6) For cash assistance and applicants for family medical programs, we use the equity value as the value of your resources.
 - (a) Applicants can have countable resources up to one thousand dollars.
 - (b) Recipients of cash assistance can have an additional three thousand dollars in a savings account.
- (7) Recipients of family medical programs do not have a resource limit.
- (8) We do not count your resources for children's medical or pregnancy medical benefits.
- (9) For SSI-related medical assistance, see [chapter 388-475 WAC](#).
- (10) For clients receiving institutional or wavered services, see [chapters 388-513 and 388-515 WAC](#).
- (11) If your household consists of more than one medical assistance unit (MAU), as described in WAC 388-408-0055, we look at the resources for each MAU separately.

- (12) If your AU is categorically eligible (CE) as described in [WAC 388-414-0001](#), you do not have a resource limit for basic food.
- (13) If your AU is not CE under WAC 388-414-0001, your AU may have countable resources up to the following amount and be eligible for basic food:
 - (a) Three thousand dollars if your AU has either an elderly or disabled individual; or
 - (b) Two thousand dollars for all other AUs.
- (14) If you own a countable resource with someone who is not in your AU, we count the portion of the resource that you own. If we cannot determine how much of the resource is yours:
 - (a) For cash assistance, we count an equal portion of the resource that belongs to each person who owns it.
 - (b) For medical assistance and basic food, we count the entire amount unless you can prove that the entire amount is not available to you.
- (15) We assume that you have control of community property and you can legally sell the property or convert it to cash unless you can show that you do not.
- (16) We may not consider an item to be separate property if you used both separate and community funds to buy or improve it.
- (17) We do not count the resources of victims of family violence when:
 - (a) The resource is owned jointly with members of the former household; or
 - (b) Availability of the resource depends on an agreement of the joint owner; or
 - (c) Making the resource available would place the client at risk of harm.
- (18) You may give us proof about a resource anytime, including when we ask for it or if you disagree with a decision we made, about:
 - (a) Who owns a resource;
 - (b) Who has legal control of the resource;
 - (c) The value of a resource;

- (d) The availability of a resource; or
- (e) The portion of a property you or another person owns.

WAC 388-470-0012 Does the department look at the resources of people who are not getting benefits?

Yes we do. We count the resources of certain people who live in your home, even if they are not getting assistance. Their resources count as part of your resources.

- (1) For cash assistance, we count the resources of ineligible, disqualified, or financially responsible people as defined in [WAC 388-450-0100](#).
- (2) For basic food, we count the resources of ineligible assistance unit (AU) members as defined in [WAC 388-408-0035](#).
- (3) For family and SSI-related medical assistance, we count the resources of financially responsible people as defined in [WAC 388-408-0055](#).
- (4) For long term care services, we count the resources of financially responsible people as defined in [WAC 388-506-0620](#).
- (5) For cash assistance, medical assistance, and basic food, we also count the resources of an immigrant's sponsor as described in [WAC 388-470-0060](#).

CLARIFYING INFORMATION

1. **Legal Barriers--** A resource is unavailable if there is a legal barrier to its sale. Examples of legal barriers include:
 - a. Property that is tied up in a divorce proceeding.
 - b. Jointly owned property that the client cannot sell because the other owners do not agree to sell it.
 - c. Property for which the client cannot get a clear title.
 - d. The client does not have the necessary funds to retain an attorney.

2. If the legal barrier can be overcome, require the client to take reasonable steps to do so unless the cost of legal action would be more than the client would gain or the legal action is not likely to succeed.
 - a. Exempt the property permanently if the client cannot overcome the barrier.
 - b. Treat the property as unavailable and exclude it for the period of time the client attempts to make a resource available. Review the status at each recertification/eligibility review.
 - c. If the client overcomes the barrier, count the property to determine the client's eligibility unless the client makes a bona fide effort to dispose of the property as described in (7) below.
3. If a client must petition the court to release part or all of a resource, including funds in blocked accounts or trusts, it is unavailable. Review the status at each recertification/eligibility review.
4. Community property is all property held in the name of either the husband or wife or both. We consider community property as a resource potentially available to the assistance unit.
5. We consider property to be separate property when:
 - a. The property was acquired by either spouse before marriage;
 - b. The property was acquired as a gift or inheritance by either spouse; or
 - c. The property was acquired and paid for entirely out of income from separate property.
6. Commingling of income from separate property and community income in the purchase, maintenance, or improvement of property may destroy the status of separate property. If you are unable to determine what income paid for what, then the separate property designation is destroyed.
7. For all programs, if the client has available nonexempt real property, exclude the property while the client makes a bona fide effort to sell it. The client must accept any reasonable offer on the property for this exemption. Bona fide efforts include:

- a. Listing the property with a real estate company;
 - b. Actively showing the property; and
 - c. Placing signs on the property and ads in the newspaper.
 - d. Asking a price that is at or under fair market value (FMV).
8. For Medicare cost-saving programs, do **not** count jointly owned non-exempt real property if the sale would cause the other owner(s) to lose their housing. Verify that the other owners are using the property as their home. Count the property as an available resource when the loss of housing is not an issue.
 9. Exclude any non-liquid assets if a creditor placed a lien on the property to secure a business loan and does not allow the AU to sell the property. Examples of non-liquid assets include land, crops, buildings, farm equipment and machinery.
 10. If a resource is currently unavailable, but you are reasonably certain that it will become available, create an alert to review its status.
 11. For medical programs, see **TRUSTS, ANNUITIES and LIFE ESTATES** and **WAC 388-561-0100** in Chapter 388-561 WAC for rules about these assets. See Chapter 388-475 WAC for SSI-related medical program rules.
 12. When a client owns a resource with someone outside of the AU, such as a joint bank account:
 - a. For cash assistance, we count an equal portion of the resource that belongs to each person who owns it.
 - b. For medical assistance and Basic Food, we count the entire amount unless the client can prove that the entire amount is not available to them. To determine the amount that is unavailable, we use:
 - (1) The client's statement about ownership of the funds, the reason the account was established, who made deposits, withdrawals, etc., and how the withdrawals were spent.
 - (2) A corroborating statement from other account holder(s).

WORKER RESPONSIBILITIES

1. Follow these steps for assistance units (AU) with resources:
 - a. Determine whether the AU owns resources, and whether they are available.
 - b. Separate the excluded from the countable resources. See: **Resources – Countable Resources**
 - c. Add the values of all countable resources.
 - d. Compare the total countable resources to the appropriate limit.
 - e. Set alerts to review unavailable resources that might become available.
 - f. For Basic Food only, if the AU is categorically eligible, do **not** count any resources.
2. Accept the client's statement as verification unless it is questionable. This means we use:
 - What the client enters on the application / eligibility review form.
 - What the client tells you during the interview.
3. When an AU reports receipt of a resource that exceeds the applicable resource limit (by itself or in addition to other countable resources):
 - a. Allow the AU **10** days to update the CSO information about the resources it owns and their current value.
 - b. Stop benefits when the AU fails to update its declared resources or its resources exceed the applicable resource limit. See: **Letter WAC—388-458-0030**.
4. When a recipient converts a resource to a new type:
 - a. Allow the AU **10** days to update the CSO information about the resources it owns and their current value.
 - b. Determine whether the new resource is excluded or countable.

- c. If the total of all countable resources is over the limit, stop the benefits and provide the AU with advance and adequate notice. See: **Letter WAC--388-458-0030**.